

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Boston Division

MELIK D. HARRISON,

Plaintiff,*

vs.

Record No. _____

PLYMOUTH COUNTY SHERIFF

Civil Complaint

in his official capacity, and

SHERIFF DEPUTY OLIVER,

in his individual and official capacity, and
SUPERINTENDENT ANTOINE MONIC, in his official capacity.
Defendants.

1. This is an action under 42 U.S.C. section 1983 as a result of defendant county employees and county employer actions which constitute deliberate indifference in (1) failing to provide appropriate and procedural inmate-work bio-hazard training to safely handle Government plumbing or bio-hazard equipment and (2) failing to conduct daily security checks on everyday use of Government equipment by trained inmate-workers or staff and (3) failing to remove or replace Government equipment knew to have been broken or malfunctioning that ultimately resulted in the Plaintiff suffering substantial and what could have been life threatening injuries after he slipped and fell on a broken wheel and rolled down a flight of steel steps approximately twenty-to-twenty five feet down.

* Due to Plaintiff's mental illness, mild retardness (acute diagnoses), and lack of an adequate 12 education he is ill-equipped with the basic fundamentals of the Law to soundly file and/or represent himself pro se in either the filing or future proceedings in this case. An inmate has assisted Plaintiff in the preparing of this Complaint based on the assisting inmate's understanding of the facts as relayed by the Plaintiff. Due to this and his indigency Plaintiff will seek appointment of counsel.

PARTIES

2. The Plaintiff Melik Harrison ("Mr. Harrison") is an inmate with the Massachusetts Department of Corrections and is a State-convicted inmate. At all times relevant in this Complaint Mr. Harrison was confined at Plymouth County Jail under the lawful custody of the Sheriff of Plymouth County, Massachusetts awaiting transfer to the Department of Corrections after he was convicted. Currently Mr. Harrison is residing at the following address:

Melik D. Harrison

Inmate No. W114926

Souza-Baronowski Correctional Center

P.O. Box 8000

Shirley, Massachusetts 01464

3. Defendant Plymouth County Sheriff (Defendant Sheriff) is the legal body and the Government official to lawfully hold pre-trial detainees and inmates awaiting DOC transfer after convictions. He is legally responsible for the Operations, Rules, Policies and Procedures and the security of Plymouth County Jail and the inmates under his lawful custody and care. Plymouth County Commissioner is his employer. Def. Sheriff is being sued in his official capacity:

Sheriff's Office

Joseph D. McDonald, Jr.

24 Long Pond Road

Plymouth, Massachusetts 02360

Telephone: 508-830-6200

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4. Defendant Sheriff Deputy Oliver ("Def. Oliver") is an employee of the United States Government and is employed by Defendant Sheriff and he was on official assignment the night of December 31, 2020 as the housing unit officer. While on this assignment he is and was responsible for the supervision of the inmates assigned to his housing assignment and responsible for ensuring all Government equipment accessible to both staff and inmates are secure and operable; as authorized by Def. Sheriff and Def. Monic. He is being sued in his individual and official capacities. His employer is Defendant Sheriff and Def. Monic.

Plymouth County Correctional Facility

Deputy Sheriff Oliver

26 Long Pond Road

Plymouth, Massachusetts 02360

Telephone No. 508-830-6200

5. Defendant Antone Monic ("Def. Monic") is an employee of the United States Government as the Superintendent of the Plymouth County Correctional Facility. He is the legal official and is responsible for the ordinary operations and enforcing those operations, procedures, and policies of the Plymouth County Correctional Facility. He is lawfully liable for the care of inmates detained in said county correctional facility. Defendant Oliver is an employee for Def.'s Monic and Sheriff. Def. Monic is being sued in his official capacity.

Plymouth County Correctional Facility

Superintendent Antone Monic

26 Long Pond Road

Plymouth, Massachusetts 02360

Telephone No. 508-830-6200

STATEMENT OF FACTS

6. While an inmate under the welfare and legal custody of Def.'s Sheriff and Maric, Mr. Harrison was under the direct supervision of Def. Oliver, who was assigned as the officer on the housing unit Mr. Harrison was housed in.

7. On the 31st of December of Year 2020 at approximately 10:00 o'clock PM Mr. Harrison advised Def. Oliver that his cell's toilet was not flushing correctly and that feces, urine, and other bodily waste was remaining in his toilet as a result.

8. Mr. Harrison had been informing staff and Def. Oliver for several days of the toilet malfunction and presence of the bio-waste in his toilet.

9. However, none of Def.'s Sheriff or Maric's employees took any procedural precautions to (1) either re-assign Mr. Harrison to another cell until his plumbing was fixed and the biohazard removed out of the toilet, (2) report and to have maintenance personnel or trained inmate-worker to correct the malfunction and remove the biohazard, (3) or provide Mr. Harrison with the procedural and mandatory inmate-worker biohazard training so Mr. Harrison could correctly and safely fix the malfunction and safely handle the biohazard in his toilet and the biohazard Government equipment to do so being the employees and Def. Oliver did not provide other assistance.

10. Instead, on the night in question December 31, 2020, an hour and a half later at approximately 11:00 PM - 11:45 PM, Def. Oliver recklessly released Mr. Harrison out of his cell to access and handle the Government biohazard equipment to correct the toilet malfunction and to remove the biohazard [waste].

11. Mr. Harrison was not an inmate-worker, which requires approval by Def.'s Sheriff and Monic's employees. Nor had Mr. Harrison ever received or knew of any biohazard training to safely handle biohazard equipment.

12. Def. Oliver directed Mr. Harrison to the Government biohazard equipment to use in an attempt to fix his own toilet.

13. The biohazard equipment was a mechanical (manual) hand-use "snake" and was in a biohazard "bucket" that appeared to have wheels on the bottom of the bucket.

14. Def. Oliver had not offered to or advised Mr. Harrison as to how to safely access or use either the bucket or "snake."

15. Nor had Def. Oliver provide a security inspection of the equipment before allowing Mr. Harrison to access or handle the equipment; as is standard procedure whenever an inmate access or uses any Government equipment that has metal or iron. The bucket and snake had metal or iron.

16. As a direct result to Def. Oliver's inactions and deliberate indifference to Mr. Harrison's personal and health safety Mr. Harrison was physically hurt as a result.

17. While walking up the flight of metal stairs holding the bucket and snake in his arms a wheel on the bottom of the bucket fell off the bucket without Mr. Harrison tampering with or deliberately causing the wheel to do so.

18. Inadvertently Mr. Harrison stepped on the broken metal wheel -- not knowing the wheel fell off initially -- and lost his down-right balance Mr. Harrison slipped and rolled down approximately 7 to 10 metal stairs.

19. Mr. Harrison's head, shoulders and back were repeatedly in contact with the dangerous fall.

20. Immediately Mr. Harrison was escorted to the Health Services Unit in a wheel chair for trauma medical treatment.

21. Radiological Film studies were needed and due to the substantial pains in his head, neck and back Mr. Harrison was ordered pain medications.

22. Falling in this dangerous manner Mr. Harrison could have suffered a life-ending blow to the head or a Traumatic Brain Injury.

23. Mr. Harrison continues to receive Post-treatment for his injuries and continue to suffer extreme pains in the back and will need continuing medical treatment to treat and management that unwarranted of physical pain.

24. Mr. Harrison suffered cruel and unusual punishment and the unnecessary infliction and wanton of pain because of the physical injuries he received for the slip & fall defendants' lack of policies or enforcing thereof and Dep. Oliver's indifference.

25. Defendants are employees of the Commonwealth and are responsible for the safekeeping of Plaintiff while he is in the custody of the Commonwealth and when he was in the custody of the Plymouth County Correctional Facility. These defendants' failed in those duties to Mr. Harrison.

HARRISON'S EXHAUSTION OF ADMINISTRATIVE REMEDIES

26. Mr. Harrison filed grievances in association with these claims at the Plymouth County Correctional Facility.

27. Mr. Harrison's Initial grievance was denied

28. Grievance appeal was denied

29. Mr. Harrison seeks relief from this Court for his injuries caused by the defendants.

CLAIMS FOR RELIEF

The facts set forth herein violate Plaintiff's rights under Federal and State laws to include his 8th Amendment rights' under the United States Constitution.

REQUEST FOR RELIEF

WHEREFORE Plaintiff Prays this Honorable Court to:

1. Grant damages in the amount of \$15.5 million to compensate Plaintiff for his injuries, pain & suffering, and what could have been death's plus interest and the cost of the proceedings;
2. Grant such equitable, including injunctive, relief as may be available, just, and proper; C
3. Grant Plaintiff cost and attorney fees, if applicable;
4. Grant Plaintiff appointment of counsel if this Complaint is not summarily dismissed (See footnote *); and
5. Grant such other relief as this Court deems just and proper.

Respectfully Submitted,¹

X Melik Harrison

Melik D. Harrison

Souza-Baranowski Corr. Center

P.O. Box 8000

Shirley, MA 01464

Dated: December 15th
2021

¹
I, Melik Harrison, the Plaintiff, has read and verified this Complaint and declare, under my signature, under penalty of perjury that the facts in this Complaint are true.